

**VIRGINIA BOARD OF NURSING
MINUTES
September 19, 2006**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:15 A.M. on September 19, 2006, in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

PRESIDING: Judith E. Piersall, R.N., B.S.N., President

**BOARD MEMBERS
PRESENT:**

Lynne M. Cooper, Citizen Member, Vice President
Gregory J. Huber, R.N., M.S.N., Secretary
Linda D. Gross, Citizen Member
Woody B. Hanes, R.N., M.S.N., F.N.P.
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N., M.S.
Patricia C. Lane, R.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.
Brenda L. Spady, L.P.N.

BOARD MEMBERS ABSENT:

Brenda L. Hale, R.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director,
Discipline
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education
Jessica Ressler, R.N.C., M.S.N., Nursing Education Consultant
Jane Elliott, R.N., Ph.D., Discipline Staff
Amy Davis, Administrative Assistant

STAFF ABSENT:

Cindy Cochran, R.N., Discipline Case Manager
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry
Manager

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Robert A. Nebiker, Director, Department of Health Professions
Sandra W. Ryals, Chief Deputy Director, Department of Health Professions
Elaine Yeatts, Policy Analyst, Department of Health Professions
Anne Joseph, Deputy Director, Administrative Proceedings Division
Jan Johnson, Executive Director, Virginia Nurses Association
Donna McCarthy, Virginia Nurses Association

**ESTABLISHMENT OF
A QUORUM:**

With twelve (12) members of the Board present, a quorum was established.

ANNOUNCEMENTS:

- Committee of the Joint Boards of Nursing and Medicine next meeting is scheduled for October 18, 2006.
- Citizen's Advocacy Center conference is scheduled for October 17, 2006 – October 20, 2006 in Williamsburg. Ms. Cooper and Mr. Logan will attend.
- Mr. Nebiker will retire as Director of Department of Health Professions effective October 1, 2006. Ms. Ryals, has been appointed as his replacement.
- Jan Johnson, Executive Director, Virginia Nurses Association will retire effective September 21, 2006. Donna McCarthy will be the interim Executive Director.

DIALOGUE WITH AGENCY DIRECTOR:

- Mr. Nebiker indicated he feels the challenges and goals of the Board of Nursing as:
 - Continue to improve the discipline process based on the number of cases being received. There has been a 34% increase in the number of cases received by the Board of Nursing from the previous biennium.
 - Funding for the nurse aide program and the medication aide program.
- Ms. Ryals expressed her appreciation of the opportunity to work with Mr. Nebiker and announced that Emily Wingfield has been appointed as her replacement as Chief Deputy Director effective October 16, 2006.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: Mr. Huber moved to accept the consent agenda which includes:
Minutes:

- July 17, 2006 – Panel – Ms. Piersall
- July 18, 2006 – Board Meeting – Ms. Piersall
- July 19, 2006 – Quorum – Ms. Piersall
- July 19, 2006 – Panel – Ms. Piersall
- July 19, 2006 – Panel – Ms. Cooper
- August 21, 2006 – Telephone Conference Call – Ms. Piersall

Reports:

- Finance Report
- Board of Nursing Monthly Tracking Log-Licensure and Disciplinary Statistics

- Examinations: NCLEX, NNAAP
- Health Practitioners Intervention Program

REPORTS:

Council on Licensure, Enforcement and Regulation (CLEAR) Conference Report:

Key information from the conference was provided by Ms. Jones-Clarke, she expressed her gratitude for the opportunity to attend the conference. She stated there were approximately 400 attendees from Canada and the United States at the conference hosted by Virginia.

Online Licensing Quarterly Report:

Ms. Douglas reviewed the report, indicating system changes are being developed to prohibit online renewal of licenses that should not be renewed in Virginia due to nurse licensure compact issues.

Executive Director Report:

Additional information to the written report was provided to the Board from Ms. Douglas regarding her attending the Legislative Coalition of Virginia Nurses meeting and the Virginia Partnership for Nursing Annual meeting.

Nurse Licensure Compact Report:

Ms. Douglas provided an overview of the meeting held in Utah. Key items included:

- Mississippi Board of Nursing has not withdrawn from the Nurse Licensure Compact, the issues they had are being resolved.
- NURSUS has named a new administrator and is working will with member Boards on resolving issues.
- Criminal background check presentation.

Board of Nursing Annual Statistical Report:

Ms. Ressler reported this is the first year the online option for submitting the annual report information was available to the nursing education programs. All but one program submitted the information electronically. She indicated a lack of faculty and clinical sites remains a concern statewide.

Maryland Board of Nursing/Excelsior Nursing Education Program:

Ms. Ressler contacted the Maryland Board of Nursing and was informed they have decided they will not license students that have completed the Excelsior program if they are enrolled after July 25, 2006. The Maryland Board of Nursing and other states making similar decisions appear to be based on lack of clinical program components. Board discussion included the pass rate of 81% for 2005-2006 and 76% for the past five years for Excelsior. Mr. Huber moved the Board request a representative from Excelsior College attend a Board meeting and provide information on their program. The motion was seconded and approved unanimously.

RECESS: The Board recessed at 10:17 A.M.

RECONVENTION: The Board reconvened at 10:30 A.M.

REGULATIONS: **Chart of Board of Nursing Regulatory Actions:**
Ms. Yeatts reported public comment period for the medication aide program ended August 25, 2006. Substantial amount of comments were received, proposed fees were a concern of many comments received. The Medication Aide Task Force will meet on October 2, 2006 to review the comments. The information will be shared with the Board at the November 2006 meeting.

Notice of Intended Regulatory Action 18 VAC 90-10-10:
Ms. Yeatts reported the Public Participation Guidelines periodic review has been completed. Mr. Huber moved to adopt the recommendations contained in the report. The motion was seconded and approved unanimously.

Draft Guidance Document 90-9 Guidelines for Prescription Drug Administration Training Program for Child Day Care Providers:
Mr. Huber moved to adopt the guidance document as submitted. The motion was seconded and approved unanimously. Dr. Selig moved to authorize Board staff to approve training programs that meet the guidelines. The motion was seconded and approved unanimously.

OTHER MATTERS: **Process for Conducting Informal Conferences Delegated to an Agency Subordinate:**
Ms. Douglas and Mr. Casway reviewed the agency subordinate process, guidance document, flow chart and current explanation of the process. Discussion included:

- How agency subordinates are selected;
- Increase in the number of days informal conferences conducted by agency subordinates:
- Importance of respondent appearing:
 - 50% attendance rate for certified nurse aides
 - 70% attendance rate for nurses
 - High rate of return of confidential consent agreements for certified nurse aides.

Monetary Penalties Imposed, Language for Orders:
Ms. Douglas provided information regarding a proposed change in the language included in Orders to include a late fee for monetary penalties that were not received timely. The Board decided not to use the proposed language to include imposing a late fee.

Criteria for Summary Suspension:

Ms. Douglas summarized the current process for considering a case for summary suspension and Mr. Casway clarified the criteria for possible summary suspension cases and that the Board should consider whether continued practice would constitute a substantial danger. The Board decided to include cases for possible summary suspension for cases involving adulteration of medication while the licensee is participating in the Health Practitioners Intervention Program.

Requests for Accommodation:

CLOSED SESSION:

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 12:00 NOON for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of NNAAP modification requests. Additionally, Mr. Huber moved that Mr. Casway, Ms. Douglas, Ms. Mitchell, Dr. Saxby, Ms. Ressler, Dr. Elliott and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations.

The motion was seconded and approved unanimously.

RECONVENTION:

The Board reconvened in open session at 12:05 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Bonnie C. Banton, C.N.A. Applicant

Ms. Cooper moved to approve the request for Bonnie Banton the use of an electronic blood pressure cuff (non stethoscope) if she has the Blood Pressure skill when she takes the NNAAP examination.

The motion was seconded and approved unanimously.

Stephanie Nice, C.N.A. Applicant

Ms. Hanes moved to approve the request for Stephanie Nice the use of an electronic blood pressure cuff (non stethoscope) if she has the Blood Pressure skill when she takes the NNAAP examination.

The motion was seconded and approved unanimously.

Nancy Jones, C.N.A. Applicant

Dr. Selig moved to approve the request for Nancy Jones the use of an amplified stethoscope if she has the Blood Pressure skill when she takes the NNAAP examination.

The motion was seconded and approved unanimously.

RECESS:

The Board recessed at 12:05 P.M.

RECONVENTION:

The Board reconvened at 1:10 P.M.

CONSIDERATION OF CONSENT ORDER:

CLOSED SESSION: Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 1:10 P.M. for the purpose of consideration and discussion of a consent order. Additionally, Mr. Huber moved that Ms. Douglas, Ms. Mitchell, Dr. Saxby, Ms. Ressler, Dr. Elliott, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:20 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Malana Weaver, R.N. 0001-132137

Mr. Huber moved to accept the consent order that the registered nurse license of Malana Weaver be placed on probation with terms and conditions.
The motion was seconded and carried. Ms. Piersall, Ms. Hanes, Mr. Horn, Mr. Huber, Ms. Ponn, Dr. Selig and Ms. Spady were in favor of the motion. Ms. Cooper, Ms. Gross, Ms. Jones-Clarke, Ms. Lane and Mr. Logan opposed the motion.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Laurina E. Rodgers-Cardinal, R.N. 0001-172208

Ms. Rodgers-Cardinal appeared, accompanied by Mr. Parmajay, Esquire and presented a statement to the Board.

CLOSED SESSION: Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 1:30 P.M. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Douglas, Mr. Casway, Dr. Saxby, Ms. Ressler, Ms. Mitchell and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:33 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Mr. Logan moved that the Board accept the recommended decision of the agency subordinate that Laurina E. Rodgers-Cardinal be reprimanded.
The motion was seconded and approved unanimously.

Nadyne R.M. Tharnish, R.N. Reinstatement Applicant 0001-144062

Ms. Tharnish appeared and presented a statement to the Board.

CLOSED SESSION:

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 1:40 P.M. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Douglas, Mr. Casway, Dr. Saxby, Ms. Ressler, Ms. Mitchell and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:45 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Selig moved that the Board accept the recommended decision of the agency subordinate to deny Ms. Tharnish's application for reinstatement.

The motion was seconded and approved unanimously.

Marie L. Crowder, C.N.A. 1401-069391

Ms. Crowder appeared and presented a statement to the Board.

CLOSED SESSION:

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 1:49 P.M. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Douglas, Mr. Casway, Dr. Saxby, Ms. Ressler, Ms. Mitchell and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:54 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board accept the agency subordinate's findings of fact and conclusions of law, however impose no sanction.

The motion was seconded and carried. Ms. Piersall, Ms. Cooper, Ms. Gross, Mr. Horn, Mr. Huber, Ms. Jones-Clarke, Ms. Lane, Mr. Logan, Dr. Selig and Ms. Spady were in favor of the motion. Ms. Hanes and Ms. Ponn opposed the motion.

Ruth L. Moran, R.N. 0001-098311

Ms. Moran appeared and presented a statement to the Board.

CLOSED SESSION:

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 1:59 P.M. for the purpose of consideration of recommendations of the agency subordinate. Additionally, Mr. Huber moved that Ms. Douglas, Mr. Casway, Dr. Saxby, Ms. Ressler, Ms. Mitchell and Ms. Davis attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:10 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Cooper moved that the Board indefinitely suspend the license of Ruth L. Moran for a period of not less than one year and until such time as she can come before the Board and prove that she is safe and competent to resume the practice of professional nursing.

The motion was seconded and carried. Ms. Piersall, Ms. Cooper, Ms. Gross, Ms. Hanes, Mr. Horn, Mr. Huber, Mr. Logan and Dr. Selig were in favor of the motion. Ms. Jones-Clarke, Ms. Lane, Ms. Ponn and Ms. Spady opposed the motion.

CONSIDERATION OF CONSENT ORDERS, RECOMMENDATIONS REGARDING APPLICANTS AND RECOMMENDATIONS OF AGENCY SUBORDINATES

CLOSED SESSION:

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:30 P.M. for the purpose of consideration and discussion of consent orders, recommendations regarding applicants and recommendations of agency subordinates. Additionally, Mr. Huber moved that Ms. Douglas, Ms. Mitchell, Dr. Saxby, Ms. Ressler, Dr. Elliott, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:00 P.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CONSENT ORDERS:

Joseph E. Masci, R.N. 0001-157820

Ms. Cooper moved to accept the consent order that the registered nurse license of Joseph Masci be indefinitely suspended. This order shall be applicable to Mr. Masci's multi-state licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

The motion was seconded and approved unanimously.

Betty C. McNeil, R.N. 0001-023935

Mr. Huber moved to accept the consent order to accept the permanent voluntary surrender of the license of Betty C. McNeil to practice as a professional nurse in the Commonwealth of Virginia.

The motion was seconded and approved unanimously.

Virginia K. Montgomery, L.P.N. 0002-047732

Mr. Huber moved to accept the consent order to accept the voluntary surrender for indefinite suspension of the privilege of Virginia K. Montgomery's right to renew her license to practice practical nursing.

The motion was seconded and approved unanimously.

RECOMMENDATION REGARDING APPLICANTS:

Crystal D. McCoy, C.N.A. Applicant

Ms. McCoy did not appear.

Dr. Selig moved to accept the recommended decision of the informal conference committee that Crystal McCoy's application for certification by examination as a nurse aide be approved and that she be issued an unrestricted certificate contingent upon successful completion of the NNAAP examination and her providing verification to the Board, within thirty days of this order becoming final, that she has viewed the National Council of State Boards of Nursing professional boundaries video entitled "Crossing the Line".

The motion was seconded and approved unanimously.

RECOMMENDATIONS OF AGENCY SUBORDINATES

Bernadette Adams, R.N. 0001-197504

Ms. Adams did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that Bernadette Adams shall have an evaluation by a mental health and chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board within forty-five days after the date that this order is final. Upon receipt of the evaluation, Ms. Adams shall be

notified to reappear before the Board to review the recommendation and for final disposition.

The motion was seconded and approved unanimously.

Bobbie Alderman, R.N. 0001-179509

Ms. Alderman did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate that the license of Bobbie Alderman be indefinitely suspended, and that said suspension be stayed upon proof of Ms. Alderman's entry into the Health Practitioners Intervention Program and her subsequent compliance with all terms and conditions for the period specified by the Health Practitioners Intervention Program.

The motion was seconded and approved unanimously.

Franklin O. Brooks, R.N. Reinstatement Applicant 0001-110996

Mr. Brooks did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that the petition of Franklin O. Brooks for reinstatement of his license to practice professional nursing in Virginia be denied.

The motion was seconded and approved unanimously.

Jennifer A. Bryant, R.N. 0001-175195

Ms. Bryant did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that Jennifer A. Bryant be placed on probation for a period of not less than two years with terms and conditions.

The motion was seconded and approved unanimously.

Shawna Eskridge, L.P.N. 0002-045765

Ms. Eskridge did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate that the right of Ms. Eskridge to renew her practical nursing license be indefinitely suspended until such time as she can appear before the Board and prove she is safe and competent to practice.

The motion was seconded and approved unanimously.

Lizzy B. Kabwe, L.P.N. 0002-069666

Ms. Kabwe did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that Ms. Kabwe be assessed a monetary penalty of \$250.00.

The motion was seconded and approved unanimously.

Susan Lane, R.N. 0001-085634

Ms. Lane did not appear.

Mr. Logan moved to accept the recommended decision of the agency subordinate that the right of Susan Lane to renew her license to practice professional nursing in Virginia be indefinitely suspended.

The motion was seconded and approved unanimously.

Ann Paquette, R.N. 0001-102587

Ms. Paquette did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that the right of Ms. Paquette to renew her professional nursing license be indefinitely suspended until such time she can appear before the Board and prove she is safe and competent to practice.

The motion was seconded and approved unanimously.

Leslie Updyke, R.N. 0001-174777

Ms. Updyke did not appear.

Mr. Huber moved to accept the modified recommended decision of the agency subordinate that the professional nursing license of Leslie Updyke be indefinitely suspended.

The motion was seconded and approved unanimously.

Melanie E. West, L.P.N. 0002-053426

Ms. West did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate that Ms. West's license be suspended, with said suspension stayed upon her providing proof of six months' compliance with a Health Practitioners Intervention Program recovery monitoring contract.

The motion was seconded and approved unanimously.

Frances A. Brown, R.N. 0001-123815

Ms. Brown did not appear.

Mr. Logan moved to accept the recommended decision of the agency subordinate that the Board take no action contingent upon Ms. Brown's continued compliance with her recovery monitoring contract with the Health Practitioners Intervention Program.

The motion was seconded and approved unanimously.

Anastasia Williams, R.N. 0001-182940

Ms. Williams did not appear.

Ms. Cooper moved to accept the recommended decision of the agency subordinate that the license of Anastasia Williams be indefinitely suspended and that such suspension be stayed upon the Board's receipt of documentation of her current recovery monitoring contract with the Health Practitioners Intervention Program and thereafter remain in compliance with the Health Practitioners Intervention Program.

The motion was seconded and approved unanimously.

Ruth A. Eakin, R.N. 0001-165483

Ms. Eakin did not appear.

Ms. Hanes moved to accept the recommended decision of the agency subordinate that Ms. Eakin be issued a reprimand.

The motion was seconded and approved unanimously.

Robin H. Rogers, R.N. 0001-132045

Ms. Rogers did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that the license of Robin Rogers be indefinitely suspended for not less than two years and until such time that she can provide evidence that she is safe and competent to resume the practice of nursing.

The motion was seconded and approved unanimously.

Rayshawn D. Allen, C.N.A. Reinstatement Applicant 1401-070281

Ms. Allen did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate that Ms. Allen's application for reinstatement be denied.

The motion was seconded and approved unanimously.

Penny M. Mosby, C.N.A. 1401-021311

Ms. Mosby did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that Ms. Mosby be issued a reprimand.

The motion was seconded and approved unanimously.

Brenda K. Best, C.N.A. 1401-108084

Ms. Best did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that Ms. Best's certificate be indefinitely suspended until such time that she can provide evidence that she is safe and competent to resume practice as a nurse aide.

The motion was seconded and approved unanimously.

Denise W. Moles, L.P.N. 0002-041646

Ms. Moles did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that the right of Denise W. Moles to renew her license to practice practical nursing in Virginia be indefinitely suspended.

The motion was seconded and approved unanimously.

Teresa T. Gower, R.N. 0001-139798

Ms. Gower did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate to take no action contingent upon Ms. Gower's signing a recovery monitoring contract and remaining in compliance with the Health Practitioners Intervention Program's terms.

The motion was seconded and approved unanimously.

Vickie L. Plecker, R.N. Reinstatement Applicant 0001-057164

Ms. Plecker did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that Ms. Plecker's application for reinstatement be denied.

The motion was seconded and approved unanimously.

Arthur D. Beasley, C.N.A. 1401-087883

Mr. Beasley did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that Arthur Beasley's right to renew his certificate to practice as a nurse aide be indefinitely suspended until such time he can provide evidence that he is safe and competent to resume practice as a nurse aide in the Commonwealth of Virginia.

The motion was seconded and approved unanimously.

Tammy D. Newby, C.N.A. 1401-083794

Ms. Newby did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that Tammy D. Newby's right to renew her certificate to practice as a nurse aide be indefinitely suspended until such time that she can provide evidence that she is safe and competent to resume practice as a nurse aide in the Commonwealth of Virginia.

The motion was seconded and approved unanimously.

Sylvie S. Nomeny, C.N.A. 1401-090339

Ms. Nomeny did not appear.

Mr. Huber moved to accept the recommended decision of the agency subordinate that the Board revoke Ms. Nomeny's right to renew her certificate to practice as a nurse aide, and that the Board make a finding of abuse.

The motion was seconded and approved unanimously.

Nancy Michaels, R.N. 0001-073500

Ms. Michaels did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate that the Board indefinitely suspend the license/privilege to renew the license of Nancy Michael for not less than six months and until such time as she can come before the Board and prove that she is safe and competent to resume the practice of professional nursing.

The motion was seconded and carried. Ms. Piersall, Ms. Gross, Ms. Jones-Clarke, Mr. Horn, Ms. Ponn and Dr. Selig were in favor of the motion. Ms. Hanes, Mr. Logan, Ms. Cooper, Ms. Spady and Ms. Lane opposed the motion. Mr. Huber abstained.

Sheri Ileri, R.N. Applicant

Ms. Ileri did not appear.

Dr. Selig moved to accept the modified recommended decision of the agency subordinate that the application of Sheri Ileri for licensure by endorsement as a professional nurse in Virginia be approved on probation for one year with terms and conditions.

The motion was seconded and carried unanimously.

Tammy S. Rowe, C.N.A. 1401-105951

Ms. Rowe did not appear.

Ms. Hanes moved to accept the recommended decision of the agency subordinate that Ms. Rowe be reprimanded.

The motion was seconded and carried. Ms. Piersall, Mr. Huber, Ms. Gross, Ms. Hanes, Mr. Horn, Ms. Jones-Clarke, Ms. Lane, Mr. Logan, Ms. Ponn, Dr. Selig and Ms. Spady were in favor of the motion. Ms. Cooper opposed the motion.

Yolanda Outlaw, L.P.N. 0002-059230; R.N. Applicant

Ms. Outlaw did not appear.

Ms. Cooper moved to accept the modified recommend decision of the agency subordinate that Ms. Outlaw be continued on probation in her practice as a licensed practical nurse subject to the same terms and conditions set forth in the Board Order entered on May 2, 2005.

The motion was seconded and carried unanimously.

Cynthia Ann Franco, L.P.N. 0002-061182

Ms. Franco did not appear.

Ms. Cooper moved to accept the modified recommended decision of the agency subordinate that Ms. Franco be issued a reprimand, and further that her probation be continued, pending receipt of a statement from her psychiatrist that she does not have a substance abuse problem, and also pending receipt of one negative random drug screen that has been conducted by the same psychiatrist. Her probation will be terminated and her license will be reinstated without restriction at that time.

The motion was seconded and carried unanimously.

Hugh J. McLinden, R.N. 0001-150700

Mr. McLinden did not appear.

Ms. Lane stated she is employed by the same employer as Mr. McLinden and feels that she can render a fair and impartial decision in this matter. There were no objections to Ms. Lane participating in this matter.

Ms. Cooper moved to reject the recommended decision of the agency subordinate and to refer the case of Hugh McLinden to a formal hearing. The motion was seconded and carried. Ms. Piersall, Ms. Cooper, Mr. Huber, Ms. Gross, Ms. Hanes, Mr. Horn, Ms. Jones-Clarke, Ms. Lane, Mr. Logan, Ms. Ponn and Ms. Spady were in favor of the motion. Dr. Selig opposed the motion.

Marjorie S. Hill, R.N. 0001-167500

Ms. Hill did not appear.

Mr. Huber moved to accept the modified recommended decision of the agency subordinate that Ms. Hill be offered a Consent Order for the voluntary surrender for indefinite suspension of her professional nursing license.. The motion was seconded and approved unanimously.

Ms. Piersall announced that the Board would continue their business meeting on Wednesday, September 20, 2006 at 9:00 A.M.

ADJOURNMENT: The Board adjourned at 4:02 P.M.

Gregory J. Huber, R.N, M.S.N.
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.

**VIRGINIA BOARD OF NURSING
MINUTES
September 20, 2006**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:50 A.M. on September 20, 2006, in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

PRESIDING: Judith E. Piersall, R.N., B.S.N., President

**BOARD MEMBERS
PRESENT:**

Lynne M. Cooper, Citizen Member, Vice President
Gregory J. Huber, R.N., M.S.N., Secretary
Linda D. Gross, Citizen Member
Woody B. Hanes, R.N., M.S.N., F.N.P.
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N., M.S.
Patricia C. Lane, R.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.

BOARD MEMBERS ABSENT:

Brenda L. Hale, R.N.
Brenda L. Spady, L.P.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director,
Discipline
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education
Jessica Ressler, R.N.C., M.S.N., Nursing Education Consultant
Jane Elliott, R.N., Ph.D., Discipline Staff
Amy Davis, Administrative Assistant

STAFF ABSENT:

Cindy Cochran, R.N., Discipline Case Manager
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry
Manager

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Robert A. Nebiker, Director, Department of Health Professions
Sandra W. Ryals, Chief Deputy Director, Department of Health Professions
Elaine Yeatts, Policy Analyst, Department of Health Professions
Anne Joseph, Deputy Director, Administrative Proceedings Division
Jan Johnson, Executive Director, Virginia Nurses Association
Donna McCarthy, Virginia Nurses Association

**ESTABLISHMENT OF
A QUORUM:**

With eleven (11) members of the Board present, a quorum was established.

OTHER MATTERS:

Board Development Day Proposal:

The Board reviewed the proposed outline for the Board Development Day submitted by Ms. Piersall and Ms. Lane. Ms. Piersall asked Board members to prioritize their list of topics to be covered and give the information to Ms. Douglas. Additional suggested information to be included was received:

- Substance abuse tests
- National and state organizations that interacts with the Board of Nursing

Ms. Douglas suggested a panel of experienced Board members to present information and possible speakers from the Health Practitioners Intervention Program and the Attorney General's office.

Discussion of possible dates and locations occurred and are to be determined as soon as possible and will be based on budget constraints and Department of Health Professions directives regarding meetings and travel.

Medication Aide Program Implementation Update:

Ms. Douglas provided an overview of the medication aide program and the process of the medication aide testing contract review. Additionally, she informed the Board that interviews were in process for the Deputy Executive Director, Medication Aide Registry Manager.

CLOSED SESSION:

Mr. Huber moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(30) of the *Code of Virginia* at 10:43 A.M. for the purpose to award a public contract. Additionally, Mr. Huber moved that Ms. Douglas, Ms. Mitchell, Dr. Saxby, Ms. Ressler, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 11:02 A.M.

Mr. Huber moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION: Mr. Huber moved to delegate the decision of awarding the contract for medication aide testing to the Request for Proposal Committee; Ms. Cooper, Ms. Douglas and Dr. Saxby.

The motion was seconded and approved unanimously.

Ms. Douglas, Board members and Board staff expressed their appreciation for Dr. Saxby's efforts in the medication aide program implementation.

Commission on Graduates of Foreign Nursing Schools (CGFNS):

Ms. Piersall and Ms. Douglas attended a CGFNS sponsored event at the National Council of State Boards of Nursing conference that addressed critical issues relevant to foreign graduates. A handout was provided.

National Council of State Boards of Nursing (NCSBN) Taxonomy of Error and Root Cause Analysis Program (TERCAP) Implementation:

Ms. Douglas explained the NCSBN is requesting states to participate in this project related to practice related/standard of care cases. The TERCAP instrument will be distributed to interested states who will gather data on these types of cases.

Joint Legislative Audit and Review Commission Interim Report:

The interim report regarding the impact of assisted living facility regulations was provided to the Board.

Letter from ECPI:

Ms. Ressler provided a copy of the correspondence received regarding the opportunity for ECPI nursing students to attend the July 17, 2006 meeting of the Board.

Rutgers Survey Regarding Patient Simulators:

The results of a survey of the state boards of nursing regarding the use of patient simulators in nursing education programs.

Schedule for In-venue Formal Hearing:

Ms. Cooper, Ms. Hanes, Mr. Horn, Ms. Jones-Clarke, Ms. Piersall, Ms. Spady and Mr. Casway will be contacted by staff for availability to conduct a formal hearing in Norfolk, Virginia.

POLICY FORUM:

National Council of State Boards of Nursing Annual Meeting and Delegate Assembly:

Ms. Piersall, Dr. Selig and Ms. Douglas attended the meeting, the following were topics of interest:

- Bylaw revision was not accepted by the Delegate Assembly.
- Election of officers, Faith Fields from Arkansas was elected as President.
- Board functions in NCSBN regarding voting rights.
- Substance abuse presentation.
- Criminal background check for applicants for licensure.
- Funds are available for research grants to member boards and organizations, proposals are due December 2006, grants to be awarded December 2007.

A summary of presentations were provided to Board members.

EDUCATION PROGRAMS:

Education Special Conference Committee:

The Board considered the recommendations of the Education Special Conference Committee from its meeting on September 18, 2006.

Dr. Saxby and Ms. Ressler provided information that a lack of clinical sites and qualified faculty statewide are the same concerns as reported on a national level. Short length of hospital stays hinders clinical experience opportunities especially in obstetrics. They also reported that some hospitals are not allowing practical nursing students on-site clinical training. Possible options to increase clinical experience may include use of simulators and long term care facilities.

Mr. Huber moved that the Board of Nursing adopt the recommendations. The motion was seconded and carried unanimously.

ADJOURNMENT: The meeting was adjourned at 11:05 A.M.

Gregory J. Huber, R.N, M.S.N.
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.